[Counsel Information Listed On Signature Page]

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

CAPELLA PHOTONICS, INC., Plaintiff, v. CISCO SYSTEMS, INC., Defendant.	No. 3:14-CV-03348-EMC **UPDATED JOINT STATUS REPORT, STIPULATED REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE, AND [PROPOSED] ORDER**
CAPELLA PHOTONICS, INC., Plaintiff, v. FUJITSU NETWORK COMMUNICATIONS, INC., Defendant.	No. 3:14-CV-03349-EMC (related case)
CAPELLA PHOTONICS, INC., Plaintiff, v. TELLABS OPERATIONS, INC. AND CORIANT (USA) INC., Defendant.	No. 3:14-CV-03350-EMC (related case)
CAPELLA PHOTONICS, INC., Plaintiff, v. CIENA CORPORATION, Defendant.	No. 3:14-CV-03351-EMC (related case)

Lead counsel for Plaintiff Capella Photonics, Inc. ("Capella" or "Plaintiff"), and Defendants Cisco Systems, Inc. ("Cisco"), Ciena Corporation ("Ciena"), Fujitsu Network Communications, Inc. ("FNC"), Coriant Operations, Inc. (formerly Tellabs Operations, Inc.), and Coriant (USA) Inc. (Coriant entities collectively "Coriant") (collectively "Defendants") (together with Plaintiff, "the parties") submit this Updated Joint Status Report for the above-captioned cases (collectively, the "Related Actions") pursuant to the Court's September 21, 2016 Order (Dkt. No. 179).

Pursuant to the Court's March 6, 2015 Order, the Related Actions are "stayed in their entirety pending final exhaustion of the relevant review proceedings, including any appeals." (Dkt. No. 172 at 6). The parties hereby apprise the Court of the status of the inter partes review ("IPR") proceedings initiated by Cisco and additional inter partes review proceedings concerning the Patents in Suit (U.S. Patent Nos. RE42,368 ("'368 Patent") and RE42,678 ("'678 Patent")).

I. STATUS OF THE IPR PROCEEDINGS

On July 15, 2014, Cisco filed a petition at the United States Patent & Trademark Office (Patent Office) for inter partes review (IPR2014-01166) on the '368 patent. Cisco filed a petition (IPR2014-01276) on the '678 patent less than a month later. The two IPR petitions addressed every asserted claim against each of the Defendants. The Patent Office joined Ciena, FNC, and Coriant in these two IPR proceedings. The Patent Office issued Final Written Decisions on January 28, 2016 in IPR2014-01166 and on February 17, 2016 in IPR2014-01276. The Patent Office found unpatentable every claim asserted in this litigation. Capella filed requests for rehearing in both IPRs. The Patent Office denied the requests for rehearing. Capella filed a notice of appeal to the Court of Appeals for the Federal Circuit.

On August 24, 2015, the Patent Office instituted FNC's inter partes review (IPR2015-00726) involving the '368 patent and FNC's inter partes review (IPR2015-00727) involving the '678 patent. The Patent Office joined Ciena and Coriant in these two IPR proceedings. The Patent Office issued Final Written Decisions on September 28, 2016 in IPR2015-00726 and IPR2015-00727. The Patent Office found unpatentable every claim asserted in this litigation. Capella filed notices of appeal to the Court of Appeals for the Federal Circuit.

On August 25, 2015, the Patent Office instituted inter partes review (IPR2015-00731) for the ’368 patent and inter partes review (IPR2015-00739) for the ’678 patent based on petitions filed by non-party JDS Uniphase Corporation (JDSU) (now called “Lumentum”). The Patent Office joined Cisco, Ciena, FNC, and Coriant in these two IPR proceedings. The Patent Office issued Final Written Decisions on September 29, 2016 in IPR2015-00731 and on October 14, 2016 in IPR2015-00739. The Patent Office found unpatentable every claim asserted in this litigation. Capella filed notices of appeal to the Court of Appeals for the Federal Circuit.

On December 15, 2016, the Federal Circuit consolidated the appeals of the above-identified IPR proceedings. On February 13, 2017, Capella submitted its opening brief. Appellees have not yet submitted responsive briefing.

II. STIPULATED REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE

Given the status of the pending appeals, the Parties propose and stipulate to continuing the Case Management Conference, currently scheduled for March 23, 2017 (Dkt. No. 179), until September 28, 2017, or such other date as the Court may wish. The Parties further propose and stipulate to filing an updated joint status report on September 21, 2017. A [Proposed] Order continuing the Case Management Conference in light of the foregoing stipulation is attached hereto.

Dated: March 16, 2017

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Dated: March 16, 2017

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Pursuant to Local Rule 5-1(i)(3) regarding signatures, I, Nathaniel T. Browand, attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 16, 2017.

/s/ *Nathaniel T. Browand*
Nathaniel T. Browand

Pursuant to the Parties' stipulated request to continue the March 23, 2017 Case Management Conference, and for good cause, it is so Ordered.

1. The Case Management Conference is continued until September 28, 2017.
2. The parties shall submit an updated joint status report on September 21, 2017.

Dated: ____________________

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HON. EDWARD CHEN
UNITED STATES DISTRICT JUDGE